

DURHAM COUNTY COUNCIL

At a Meeting of **Highways Committee** held in Council Chamber, County Hall, Durham on **Thursday 13 October 2022 at 9.30 am**

Present:

Councillor R Ormerod (Chair)

Members of the Committee:

Councillors D Boyes, A Bell, C Kay, K Earley, J Higgins, J Howey, G Hutchinson (Vice-Chair), R Manchester, K Robson, A Simpson, A Sterling, F Tinsley, M Wilson, D Wood, M Stead and D Sutton-Lloyd

1 Apologies for Absence

Apologies for absence were received from Councillors E Mavin, D Oliver, E Peeke and I Roberts.

2 Substitute Members

Councillor M Stead was present as substitute for Councillor E Mavin and Councillor D Sutton Lloyd was present as substitute for Councillor E Peeke.

3 Minutes

The minutes of the meeting held on 14 July 2022 were agreed as a correct record and signed by the chair.

4 Declarations of Interest

There were no declarations of interest.

5 Proposal to re designate 'Nanny Poes Lane 'in Middlestone, to the Definitive Map and Statement of Public Rights of Way as Restricted Byway after further review of evidence

The Committee received a joint report of the Corporate Director of Neighbourhoods and Climate Change and the Corporate Director of Resources to agree the proposal to re designate 'Nanny Poes Lane 'in Middlestone, to the Definitive Map and Statement of Public Rights of Way as Restricted Byway after further review of evidence (for copy see file of minutes).

M. Ogden, Access and Rights of Way Team Leader gave a detailed presentation which included the location of the proposal and photographs of the area. He explained that an application was submitted in September 2018 and initially the Highways Committee agreed to the making of a Draft Order confirming the route's addition to the Definitive Map as a Bridleway. After a review of the evidence, prompted by an objection to a similar Order, it was decided to seek re-classification of this route as Restricted Byway.

Councillor Kay addressed the Committee as local member and noted that Nanny Poes lane was not an area that was well known by himself or the residents of Middlestone and that re designating the lane to restricted byway would have no impact on residents. He confirmed that he understood the change from a bridleway to restricted byway and was in full support of the officer's recommendation.

Councillor Boyes noted that at a previous meeting of the Committee, members had already resolved the route as a bridleway and that re designating it to restricted byway was simply to allow the additional right for a carriage or other horse drawn vehicle. He asked whether there was a more efficient way to make administrative changes to the Definitive Map.

Senior Lawyer Regulatory and Enforcement C. Cuskin appreciated Councillor Boyes frustration but clarified that such decisions could not be made without the approval of the Committee, however she agreed to feed this back to the constitutional working group.

Councillor Sterling referred to the improvement works that were necessary to develop the lane to restricted byway standard and asked if the costs associated with these works were known. The Access and Rights of Way Team Leader explained that to develop the lane to a restricted byway would incur a cost to the Local Authority in addition to long term maintenance. He advised that the costs at this stage were not known but that this was unavoidable and not material to the decision. Councillor Sterling stated it would be helpful to know the cumulative impact if a high volume of these applications were to be received.

With regards to the process for making changes to the Definitive Map, Councillor Tinsley asked what would happen if the Committee did not approve the proposal. The Access and Rights of Way Team Leader explained that an Order would have to be made for a bridleway, which would then lead to an objection and a request to the Secretary of State to amend the status, but that the process for this would be lengthy and would absorb a considerable amount of officer's time.

Councillor Tinsley agreed to **move** the proposal in line with the officer's recommendation and this was **seconded** by Councillor Wood.

Councillor Ormerod stated that in his opinion the countryside should be as accessible as possible and that the recommendation to change Nanny Poes lane to restricted byway did slightly improve this.

Resolved

That a Definitive Map Modification Order for the addition to the Definitive Map & Statement of a Restricted Byway between points A & B on the plan (Document A), known as Nanny Poes Lane, under the provisions of section 53(3)(c)(i) of the Wildlife and Countryside Act 1981, be approved and that the Corporate Director of Resources be informed accordingly.

6 Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

The Access and Rights of Way Team Leader provided the Committee with an update on Definitive Map Modification Orders following members decisions at previous meetings of the Committee.

He confirmed that Baxter wood near Durham had received no objections and was now on the Definitive Map. Referring to Watergate Lane where it was agreed to upgrade the public footpath to a public bridleway, he noted that the order had been published, and the new landowner had objected to it. He explained that the case had now been referred to the secretary of state and that they were awaiting a timetable for proceedings and that it could take up to a year for a decision to be reached and may include a public enquiry

With regards to approval of adding a footpath at Ladley Burn, Wolsingham to the Definitive Map, he noted that there had been a great deal of local interest and that the landowner was opposed to it. He confirmed that the landowner did not attend the meeting of the Committee but that he was anticipating an objection from them, and if received would need to be referred to the secretary of state and could result in a public enquiry.

He went on to advise that regarding the alleged public footpath from West View to St Mary's Church Yard, Barnard Castle, which the Committee had refused, the applicant had appealed to the Secretary of State and at this stage it was unclear whether this would result in a Public Inquiry.

Finally, with regards to Nanny Pops Lane, he noted that as the Order had received an objection the Council no longer had jurisdiction over this application and it would now be referred to the secretary of state to modify the lane on the Definitive Map to restricted byway. He offered to share information regarding the costs of works to Nanny Poes lane at a future meeting of the Committee clarifying this would be for information purposes only.

Councillor Sterling had great appreciation for the work carried out by the team and wished that following an objection there could be an additional stage to the process to reduce the cases referred to the secretary of state. The Access and Rights of Way Team Leader concurred and explained that all cases referred to the secretary of state involved a great deal of work and absorbed a considerable amount of officer time.

Councillor Boyes referred to the proposal for Nanny Poes lane and asked whether reasonable steps could have been taken to propose restricted byway at the first meeting of the Committee. The Access and Rights of Way Team Leader agreed and explained that the issues surrounding this had now hopefully been addressed.

Councillor Earley commented that he was aware of an application that was soon to be submitted and asked if it would be helpful for the applicant to contact officers in advance. The Access and Rights of Way Team Leader confirmed that officers were always pleased to talk to perspective applicants and resolve any potential issues before the application went to committee.

Councillor Ormerod suggested that it would be helpful to have regular updates at future meetings of the Highways Committee to update members on the outcomes of applications for Definitive Map Modification Orders. Members welcomed this suggestion.

Resolved

- i. That information regarding the costs of works to Nanny Poes lane be shared at a future meeting of the Committee, for information purposes only;
- ii. That regular updates on Definitive Map Modification Orders following the decisions of members be shared at future meetings of the Highways Committee.